

Alaska State Senate



September 19, 2019

Tina McMaster-Goering, BLM Project Manager
Ambler Road EIS Comments, BLM
222 University Avenue
Fairbanks, Alaska 99709

Tim La Marr, Central Yukon Field Manager
Ambler Road EIS Comments, BLM
222 University Avenue
Fairbanks, Alaska 99709

Re: DOI-BLM-AK-F030-2016-0008-EIS (Road to Ambler) - Bureau of Land Management (BLM)
– Alaska – Ambler Road Comments from Alaska State Senate President Giessel – Strong Support
for Road Construction

Dear Project Manager McMaster-Goering and Field Manager La Marr:

My office presents the following comments after review of relevant information provided by BLM:¹

1. The “No Action Alternative” should be avoided.

The road to Ambler should be built. However, no preference is given as to which route (Alternatives A, B, C (or a combination thereof)) should be selected.

In 1980, the Alaska National Interest Lands Conservation Act (ANILCA)² was an alleged “grand compromise.” However, many Alaskans consider it an overwhelming “win” for out-of-state preservationists.

¹ See <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=57323>; <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=111130>; <https://www.blm.gov/programs/planning-and-nepa/plans-in-development/alaska/AmblerRoadEIS> (all websites as of September 6, 2019 at 12:12PM).

² 16 U.S.C. §§ 3101–3233, Pub.L. 96–487, 94 Stat. 2371 (1980).

With the establishment of the newer parks, preserves, and monuments³ throughout Alaska, there were significant impacts to mineral lands. Restricted-use-conservation-units were placed over known, promising subsurface deposits.⁴

Importantly, boundaries were erected that blocked natural transportation routes.⁵ Those restrictions effectively foreclosed development on large areas of BLM, State, and Native-owned lands.

Alaska, upon its entry into the union, was supposed to be a “resource development state.”⁶ However, ANILCA, because of political pressure from Washington DC, took the state in a different direction.

Meager “balancing,” (if you can really call it that) was etched out. That balance recognized the mineral potential of some areas of land. That’s what ANILCA section 201(4)⁷ was supposed to be about.

³ ANILCA created or expanded many Conservation System Units in Alaska, including: Arctic National Wildlife Refuge; Admiralty Island National Monument; Aniakchak National Monument and Preserve; Bering Land Bridge National Preserve; Cape Krusenstern National Monument; Denali National Park; Gates Of The Arctic National Park and Preserve; Glacier Bay National Park and Preserve; Katmai National Park and Preserve; Kenai Fjords National Park; Kenai National Wildlife Refuge; Kobuk Valley National Park; Lake Clark National Park and Preserve; Misty Fjords National Monument; Noatak National Preserve; Wrangell - St Elias National Park and Preserve; Yukon-Charley Rivers National Preserve; Yukon Delta National Wildlife Refuge; Yukon Flats National Wildlife Refuge. See <http://dnr.alaska.gov/commis/opmp/anilca/pdf/PublicLaw-96-487.pdf> (as of September 6, 2019 at 1:34PM).

⁴ See <http://dnr.alaska.gov/commis/cacfa/documents/FOSDocuments/BorellD2Part2.pdf> (as of September 6, 2019 at 1:03PM).

⁵ See <http://dnr.alaska.gov/commis/cacfa/documents/FOSDocuments/SummitSummaryCunning.pdf> (as of September 6, 2019 at 1:04PM).

⁶ Alaska Statehood Act (72 Stat. 339) Public Law 85-508, 85th Congress, H. R. 7999, July 7, 1958.

⁷ See ANILCA , PL 96-487 §201:

SEC 201 (4)(a) Gates of the Arctic National Park, containing approximately seven million fifty-two thousand acres of public lands, Gates of the Arctic National Preserve, containing approximately nine hundred thousand acres of Federal lands, as generally depicted on map numbered GAAR-90,011, and dated July 1980. The park and preserve shall be managed for the following purposes, among others: To maintain the wild and undeveloped character of the area, including opportunities for visitors to experience solitude, and the natural environmental integrity and scenic beauty of the mountains, forelands, rivers, lakes, and other natural features; to provide continued opportunities, including reasonable access, for mountain climbing, mountaineering, and other wilderness recreational activities; and to protect habitat for and the populations of, fish and wildlife, including, but not limited to, caribou, grizzly bears, Dall sheep, moose, wolves, and raptorial birds. Subsistence uses by local residents shall be permitted in the park, where such uses are traditional, in accordance with the provisions of title VIII.

(b) Congress finds that there is a need for access for surface transportation purposes across the Western (Kobuk River) unit of the Gates of the Arctic National Preserve (from the Ambler Mining District to the Alaska Pipeline Haul Road) and the Secretary shall permit such access in accordance with the provisions of this subsection.

(c) Upon the filing of an application pursuant to section 1104(b), and (c) of this Act for a right-of-way across the Western (Kobuk River) unit of the preserve, including the Kobuk Wild and Scenic River, the Secretary shall give notice in the Federal Register of a thirty-day period for other applicants to apply for access.

Section 201(4) provided a specific guarantee of access to the Ambler Mining District.⁸ The very purpose was to one day open it for mineral development (to counterbalance the overly generous conservation units throughout the rest of the state).⁹

With that in mind, the Ambler Road is a necessary step. It fulfills the compromised vision of ANILCA and ensures “lawful progress” towards the intent of Congress.

2. Alaska Communities Will Experience Positive Direct and Indirect Impacts if the Road is Constructed.

Building the road (whether it be Alternative A, B, C (or a combination thereof)), will provide, potentially, substantial commercial and non-commercial benefits to many communities (because of increased road access and access to planned fiber optic cable alongside the road).

Commercial benefits include using the road for delivery of certain goods. The fiber optic connection would likely result in a better internet connection (including greater bandwidth and speed for equal or less cost than satellite-provided services).

Non-commercial benefits include allowing BLM mobilization of equipment and personnel for fire suppression actions or other fire management in the area. Emergency response vehicles and Alaska State Troopers would also have authorized access.

Some specific examples of benefit for Alaska communities include:

(d) The Secretary and the Secretary of Transportation shall jointly prepare an environmental and economic analysis solely for the purpose of determining the most desirable route for the right-of-way and terms and conditions which may be required for the issuance of that right-of-way. This analysis shall be completed within one year and the draft thereof within nine months of the receipt of the application and shall be prepared in lieu of an environmental impact statement which would otherwise be required under section 102(2)(C) of the National Environmental Policy Act. Such analysis shall be deemed to satisfy all requirements of that Act and shall not be subject to judicial review. Such environmental and economic analysis shall be prepared in accordance with the procedural requirements of section 1104(e). The Secretaries in preparing the analysis shall consider the following-

(i) Alternative routes including the consideration of economically feasible and prudent alternative routes across the preserve which would result in fewer or less severe adverse impacts upon the preserve.

(ii) The environmental and social and economic impact of the right-of-way including impact upon wildlife, fish, and their habitat, and rural and traditional lifestyles including subsistence activities, and measures which should be instituted to avoid or minimize negative impacts and enhance positive impacts.

(e) Within 60 days of the completion of the environmental and economic analysis, the Secretaries shall jointly agree upon a route for issuance of the right-of-way across the preserve. Such right-of-way shall be issued in accordance with the provisions of section 1107 of this Act.

⁸ *Id.*

⁹ http://dnr.alaska.gov/commis/cacfa/documents/FOSDocuments/Summit_Transcript_Approved_10_2014.pdf (as of September 9, 2019 at 11:28AM).

- Fairbanks:
 - Increased good, steady jobs and positive economic activity. Trucks will be used to haul processed ore from the Ambler District to Fairbanks. From there, ore can be transported via train to Southcentral ports. That's good for the trucking industry...and good for the railroad.
- Kobuk:
 - Increased access to commercial deliveries.
 - Alternatives A & B, if chosen, would connect to the existing 15-mile road connecting Bornite and Kobuk. Alternative C would use the alignment of the existing 15-mile road and connect it directly to Kobuk's local road system.
 - More road access means that Kobuk could receive more regular deliveries of bulk fuel, groceries, and large loads (including construction materials).
 - Alternatives A, B, and C may result in a fiber optic connection to Kobuk and Shungnak (as the two communities are already connected by a power transmission line).
- Shungnak:
 - Increased access to goods.
 - All build alternatives may mean that Shungnak could have an increase in "road-delivered goods potential." The goods (mostly smaller loads) could be transported by boat or snowmachine from Kobuk.
 - All alternatives may lead to a fiber optic connection to Shungnak.

3. Alaska will benefit from increased revenue.

Here's the reality: The world needs more copper, zinc, lead, silver, and gold. Why shouldn't it be responsibly developed in Alaska?

The Ambler Road is expected to lead to increased mining activity.

Mines generate revenue for the state. This comes during an era where the state is hungry for revenue dollars. Specific "generated revenues" from mining include claim rentals, mining licensing fees, corporate income taxes, royalties, and (because of transport needs) fuel taxes.

Alaska has always tried to diversify its "wealth portfolio." The Ambler District presents a tremendous opportunity to do just that.

Sincerely,


Senate President Cathy Giessel

Cc: Governor Michael J. Dunleavy
US Senator Lisa Murkowski
US Senator Dan Sullivan
US Congressman Don Young
Alaska DNR Commissioner Corri Feige